

RECEIVED
SD BOARD OF NURSING
JAN 06 2023

**AGREED UPON DISPOSITION
FOR LETTER OF REPRIMAND
AND WAIVER OF HEARING**

1. That the Board has jurisdiction over the person of the Registrant and the subject matter of this Order.

2. The Board asserts and the Registrant admits that Registrant abandoned his shift;

3. The Registrant recognizes that this matter is of a nature that would constitute grounds for discipline of Registrant's registration to practice as an unlicensed medication aide in the State of South Dakota under SDCL § 36-9-49(10).

4. Registrant understands that Registrant has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence, and testimony on Registrant's behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board and to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court as provided by law.

5. By entering into this agreed-upon disposition with the Board, the Registrant hereby knowingly and voluntarily waives the above rights.

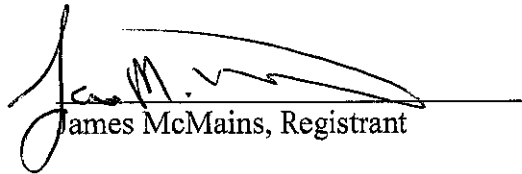
6. Registrant has been given the opportunity to discuss this agreed-upon disposition with an attorney of Registrant's choice and is aware of Registrant's rights as outlined above. Registrant hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Registrant is entering into this agreed-upon disposition voluntarily and without duress or compulsion.

7. The Board and the Registrant hereby agree that this matter will be resolved according to the disciplinary procedures outlined in SDCL § 36-1C-6, by the issuance of a Letter of Reprimand adopting this Agreed Upon Disposition.

8. Registrant understands that this is final action and is reportable discipline which will be published in the Board's newsletter, posted on its website, and reported into the National Practitioner Data Bank (NPDB) as required by law. As this is a reportable discipline, Registrant is required to provide an affirmative response to inquiries of disciplinary action on further renewals and other nursing related inquiries.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Letter of Reprimand and Waiver of Hearing is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in the above matter.

Dated this 1 day of January, 2023.


James McMains, Registrant

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RE: JAMES MCMAINS, UMA

Registration No.: SD M006525

Registrant.

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IT IS HEREBY ORDERED that the South Dakota Board of Nursing accepts, adopts, and incorporates Registrant's Agreed Upon Disposition for Letter of Reprimand into this Letter of Reprimand by reference, the same as if all such terms were set forth herein.

Dated this 9th day of February, 2023.

Linda Young
Linda Young, RN, MS, FRE
Executive Director